

UNITED STATES DISTRICT COURT

for the
District of Arizona

11/6/17

United States of America)	
v.)	
Gilberto Escamilla-Aguilera,)	Case No. 17-7555 MJ
(A205 423 100))	
<u>Defendant</u>)	
)	

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 6, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Gilberto Escamilla-Aguilera, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about October 13, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

Ceb

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Kathy J. Lemke

Continued on the attached sheet.


Charles E. Bailey
 Complainant's signature

 Marcus D. Leggett,
 Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: November 7, 2017


Bridget S. Bade
 Judge's signature

City and state: Phoenix, Arizona

SCANNED

 Bridget S. Bade,
 United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Marcus D. Leggett, being duly sworn, hereby depose and state as follows:

- 1 Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
- 2 On August 6, 2017, Gilberto Escamilla-Aguilera was booked into the Maricopa County Jail (MCJ) intake facility by the Mesa Police Department on local charges. While incarcerated at the MCJ, Escamilla-Aguilera was examined by ICE Officer S. Rose who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On November 6, 2017, Escamilla-Aguilera was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Escamilla-Aguilera was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
- 3 Immigration history checks revealed Gilberto Escamilla-Aguilera to be a citizen of Mexico and a previously deported criminal alien. Escamilla-Aguilera was removed from the United States to Mexico through Nogales, Arizona, on or about October 13, 2012, pursuant to an order of removal issued by an immigration official. There is no record of Escamilla-Aguilera in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of

Homeland Security to return to the United States after his removal. Escamilla-Aguilera's immigration history was matched to him by electronic fingerprint comparison.

- 4 On November 6, 2017, Gilberto Escamilla-Aguilera was advised of his constitutional rights. Escamilla-Aguilera freely and willingly acknowledged his rights and declined to make any further statements.
- 5 For these reasons, this affiant submits that there is probable cause to believe that on or about August 6, 2017, Gilberto Escamilla-Aguilera, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about October 13, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

Marcus D. Leggett,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 7th day of November, 2017.

Bridget S. Bade
Bridget S. Bade,
United States Magistrate Judge